

## **MINUTES OF REGULAR MEETING HELD AUGUST 13, 2019**

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, August 13, 2019 at 8:00 p.m.

Mayor Brindle made the following announcements:

“Prior to convening in regular session, there was an agenda session which was open to public and advertised.”

“The adequate notice of this meeting, as required by the Open Public Meetings Act, was provided by the posting, mailing and filing of the annual notice of regularly scheduled meetings of the Town Council on December 13, 2018. The notice was, on that date, posted on the bulletin board in the Municipal Building, mailed to THE WESTFIELD LEADER, and THE STAR LEDGER, and filed with the Clerk of the Town of Westfield.”

**PRESENT:** Mayor Brindle, Council Members Arena, Dardia, Neylan, LoGrippe, Mackey

**ABSENT:** Council Members Habgood, Contract, Stokes

### **INVOCATION AND FLAG SALUTE**

Invocation was given by Councilman Dardia followed by the flag salute.

### **PRESENTATIONS**

#### **Town Administrator's Report**

- Provided an update of road paving and discussed the number of roads that have been paved to date, as well as those that are next on the schedule. Feels the project is on track to have most, if not all roads, paved by October. Commended the Town Engineer as well as Elizabethtown Gas for their efforts. Feels Elizabethtown Gas has been a good partner in coordinating road improvements with the Town;
- Discussed the annual bulky waste program and informed residents that a notice to bidders for this project has been advertised. Explained that there has been little interest to date, and discussed the difficulty the Town had finding a vendor for this program in 2018. Explained that depending upon the bids that are submitted, the Town might need to rebid the project, or the program might not be offered this year;
- Provided an update of improvements to Mindowaskin Park. Discussed issues that caused a delay with the installation of benches at the playground, but installation is expected to be complete next week.

#### **Mayor's Remarks**

- Discussed new business openings, including Buddha Fish, Innovasion Taco, Acting Out, and Evergreen. Feels all represent a great and diverse mix of businesses to further add to the vibrancy of downtown;
- Discussed recent downtown events including National Night Out, which involved the Police Department, Fire Department, EMS and Department of Public Works, the Paint the Pond event, hosted by Union County in Mindowaskin Park for those with special needs, movie night in Tamaques Park, also hosted by Union County; Second Sunday events, such as “Winter Wonderland” that was held in July and “Dog Days of Summer” that was held this past weekend, the continuation of “Sweet Sounds” on Tuesdays, and the Annual “Pizza Run”. Feels it has been wonderful to see residents enjoying the downtown this summer and stated that many people have commented on how much they are enjoying the frequent closing of Quimby Street to enable a pedestrian plaza, which is something the Town would like to continue with greater frequency year round;
- Informed residents that Westfield would be celebrating its 300th Anniversary in 2020 and the Town plans to commemorate the milestone by introducing “Westfield 300”, a year-long celebration that aims to inspire all residents to participate in a series of programming and events. To initiate the effort, the Town has established a logo contest, open to all Westfield residents and businesses, to identify a winning entrant that best captures the spirit of the celebration and serves as the brand and identity of Westfield 300. The

winning logo would be prominently featured in all Westfield 300 related activities and would become an iconic part of this set of commemorative events. The winning entrant would have the benefit of being publicly credited for their work and knowing they have played an integral part of this legacy. Announced that guidelines and details are on the Town's website, and the deadline to submit an entry is August 25;

- Informed residents that the DWC Board announced that Sherry Cronin would be leaving her position as Executive Director. Stated that Ms. Cronin has been a mainstay and constant presence in Downtown Westfield for eighteen (18) years, and thanked Ms. Cronin for her commitment and dedication to the Town. Also extended best wishes to Ms. Cronin in her future endeavors. Stated that the DWC Board, which operates independently from the Town in terms of employment and governance, would determine next steps in its search for a new Executive Director, and mentioned that there would be a meeting in the next few weeks to discuss the search process;
- Discussed the increasing number of severe storms that have occurred this summer, which has caused flooding on roads and properties. Explained that since this weather pattern seems to be the new "norm", the Town would be identifying measures it could take to mitigate flooding going forward, from potential changes in impervious coverage allowances, to longer term infrastructure needs. Further explained that this review would take some time, but feels it is important for the public to know that the Town is aware of the issue and would be prepared to make recommendations to address it in the coming months;
- Provided an update of efforts of the Raritan Valley Line (RVL) Mayors' Alliance and stated that it has remained very active, recently submitting a peak one-seat ride proposal to Governor Murphy for his review. Announced that she and her fellow co-chairs, Fanwood Mayor Mahr and Bound Brook Mayor Fazen, would be meeting with four (4) State Assembly co-sponsors of an RVL bill that demands restoration of the off peak one-seat ride, as well a study to review the feasibility of an RVL peak one-seat ride. The RVL Mayor's Alliance is proposing an amendment to that bill that would require implementation of RVL peak one-seat ride service within twelve (12) months, in lieu of a feasibility study;
- Discussed the proposed cell town at Union County College and informed residents that she continues to be in contact with Cranford Mayor Patrick Giblin concerning this issue. Stated that the public hearing that was scheduled last month by the Cranford Zoning Board was postponed, and the new hearing date has been scheduled for next Monday, August 19, 2019 at 7:45. Encouraged all concerned residents to attend the meeting;
- Discussed the Town's Master Plan Reexamination survey and informed residents that the survey would remain on the Town's website until September 3. Encouraged all to complete the survey, explaining that the plan would shape the future of the Town, and the results would only be as good as the input received;
- Discussed items included on tonight's agenda, including a contract for the AddamsFest beer garden and an ordinance to establish a Public Arts Commission to formalize a process and facilitate the display of public art in Town on an ongoing basis. In addition, the Town Council would also be considering a contract for the painting of a mural at the New Jersey Transit underpass, which she feels is a potentially transformative beautification project in a key location, and is part of a continuing effort to further enhance the Town's south side business corridor. Other items on the agenda include approval of a contract to obtain independent accreditation for the Town's Police Department, which has never been done before. Commended Chief Battiloro for initiating this process and for his efforts to further professionalize the Police Department in all aspects. In addition, the Town Council would be considering approval of the installation of a commemorative street sign "Martin Wallberg Memorial Drive", above the Crossway Place sign, to honor the 100<sup>th</sup> Anniversary of the Town's local American Legion Post 3, and acknowledged Gil Stith who is in attendance on behalf of the American Legion. Furthermore, in an ongoing effort to be proactive as well as environmentally conscious, the Town Council would also be considering an ordinance to establish Electric Vehicle (EV) infrastructure regulations for new developments to allow for more charging stations to support EV usage. Lastly, the Town Council would be voting to authorize the purchase of six (6) new vehicles for various town functions, three (3) of which are hybrid, bringing the Town's hybrid fleet to five (5);
- Extended best wishes to all students leaving for college in the next few weeks. Stated that she looks forward to having them return to Westfield in the future to raise their families and to put their talents to work on behalf of the community.

**APPOINTMENTS**

**ADVERTISED HEARINGS**

**GENERAL ORDINANCE NO. 2140**  
“AN ORDINANCE AMENDING CHAPTER 13 OF THE CODE OF THE TOWN OF WESTFIELD”

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

**PENDING BUSINESS**

An ordinance entitled, GENERAL ORDINANCE NO. 2140 - “AN ORDINANCE AMENDING CHAPTER 13 OF THE CODE OF THE TOWN OF WESTFIELD” by Councilman Dardia, seconded by Councilman LoGrippo, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Arena	Nays:	Absent: Habgood
Dardia		Contract
Neylan		Stokes
LoGrippo		
Mackey		
Mayor Brindle		

**BIDS**

**MINUTES**

On a motion by Councilman Dardia and seconded by Councilwoman Mackey, Council approved the Minutes of the Town Council Conference Session, Regular Meeting and Executive Session held July 9, 2019 with Council Members Neylan & LoGrippo abstaining.

**PETITIONS AND COMMUNICATIONS**

**OPEN DISCUSSION BY CITIZENS**

Mayor Brindle opened the public comments portion of the meeting and asked if there were any questions or comments.

Kenneth L. MacRitchie, 515 Trinity Place, presented Mayor Brindle with a photograph of a mural that was displayed at the Westfield Post Office from 1939 until 1964, when it was demolished. Provided an overview of the history of the mural.

Mayor Brindle suggested that the photograph be provided to and retained by the Chairperson of the Public Arts Committee.

Gregory Kasko, 434 Everson Place, discussed the outsourcing of the Town’s crossing guard program to All City Management Services and referenced posts on social media which indicated that the management firm would not be allowing crossing guards to direct traffic. Informed the Town Council that he contacted Harlan Sims of All City Management Services and Mr. Sims confirmed that crossing guards would not be permitted to direct traffic for liability reasons. Mr. Kasko stated that while he brought these same concerns to the attention of the Town Council in the past, he believes that this new directive will create serious traffic issues. Feels the Town needs to develop a plan to address this, such as the implementation of temporary one-way streets during school arrival and dismissal times. Feels the police do a wonderful job throughout the Town directing traffic, but that is not their primary responsibility, specifically when there is an emergency. Encouraged the Town Council to have the Public Safety, Transportation and Parking Committee consider this matter.

Joshua McMahon, civil rights attorney in Westfield, stated that he represents a man who was charged for committing a motor vehicle offense in January 2019. Referred to a recent article in

the Star Ledger which included a dash camera video from his client's vehicle, as well as a video from the police officer's dash camera. Stated that those videos make it clear that the police officer charged the wrong person. Discussed the municipal court process involved with these charges and stated that the Police Chief, Municipal Judge and Municipal Prosecutor have allowed this case to go on for eight (8) months. Explained that under bail reform and criminal justice reform in New Jersey, if someone is charged with a major serious crime, the State of New Jersey has six (6) months to bring that person to prosecution, but his client's case has gone on for eight (8) months. Feels he needed to attend the meeting this evening because of a "litany of failures" by officials the Mayor and Town Council have appointed. Stated that during the traffic stop, his client offered to show the police officer a video on his iPad, which indicates that he was not in the area the police officer says he was in, but the police officer refused to view it. Also stated that his client attempted to show the video to a sergeant at the Police Department, but the sergeant refused to view it. Discussed the background of the police sergeant and stated that he was promoted to sergeant after he was found to be incredible in a trial that resulted in \$1,000,000 civil rights verdict against the Town. Also discussed his client's filing of an Internal Affairs complaint against members of the Westfield Police Department and stated that Westfield is the only Town he is aware of that has a written Internal Affairs policy in which complaints are not investigated until the matter is concluded in Municipal Court. Feels this is relevant and explained that in July of 2018, the Chief Justice of the Supreme Court established a Report Commission, and that commission found that local municipal courts were abusing people of color and people who are poor, and were allowing them to function as "ATMs" for citizens and taxpayers. Stated that written policies refusing to investigate complaints are not allowed, and that he has emailed a copy of the Westfield Police Department's policy to the Mayor and each councilmember. Reiterated his prior statement that the police officer and sergeant refused to view his client's video, which he feels makes it clear that his client is innocent. Expressed concern that his client has spent his own money because the Town's Municipal Judge and Municipal Prosecutor have allowed the case to continue for months. Discussed his appearance in Municipal Court with respect to this case, and stated that the Judge did not allow him to speak on one occasion, and on the other occasion, the Prosecutor refused to hear the case because his client filed an Internal Affairs complaint. Also stated that he contacted the Union County Prosecutor's Office several months ago concerning this case, and that office has not intervened. Discussed an email he sent to the Mayor and councilmembers three (3) months ago with respect to this matter and questioned why he received no response from anyone. Reiterated his previous statement concerning the Police Department's Internal Affairs policy and expressed concern with the policy because witnesses "disappear", memories fade, and evidence "goes away". Feels the Police Chief should accept responsibility for this policy. Also stated that the Town's prosecutor is in violation of the rules of professional conduct because she is not allowed to prosecute someone without probable cause. Informed the Town Council that he also became aware of additional information this morning.

Mayor Brindle informed Mr. McMahon that he has nearly reached the ten (10) minute time limit allowed for public comment.

Mr. McMahon stated that he believes his comments "bother" Mayor Brindle.

Mayor Brindle responded that his comments do not bother her and asked that he continue.

Mr. McMahon questioned Mayor Brindle's reply as to why it does not bother her that his client's rights are being violated on video.

Mayor Brindle asked Mr. McMahon to continue with his comments.

Mr. McMahon continued and discussed an order entered by Superior Court Judge Lara K. DiFabrizio on July 19, 2019 and read a portion of the order as follows, "As set forth on the record on July 19, 2019, this court finds upon *de novo* review that the State failed to present sufficient credible evidence justifying the warrantless search of defendant's purse. The record leaves this court unable to rely on the Municipal Court's credibility findings of Officer Samuel Fourre, the State's sole witness". Explained that this order is relevant because Officer Fourre is the officer that charged his client. Also referenced a case entitled, "Giglio v. United States", which requires that information that impacts the credibility of a State's witness must be turned over to the defense. Stated that this order was shared with him today by a "whistleblower", not the Police Department or the Town's Prosecutor. Continued reading from the order and stated, "The officer's testimony at the April 9, 2019 suppression hearing was inconsistent with his prior

reports, which omitted important relevant information, specifically, Officer Fourre failed to mention anywhere in his reports that the defendant consented to a search of her bag to find her medication. Moreover, this consent statement by the defendant was not revealed until the day of the hearing, nearly six (6) months after the defendant filed the motion to suppress. On cross examination, Officer Fourre repeatedly failed to record key details of the search, which further negated his veracity". Mr. McMahon then stated that the judge had ordered that the municipal appeal be granted, suppressed the evidence, and dismissed the complaint.

Mayor Brindle informed Mr. McMahon that he has spoken for ten (10) minutes and that his time was up.

Mr. McMahon requested additional time to speak because he is reporting Fourth Amendment Constitutional violations.

Mayor Brindle explained that she does not permit concessions to anyone, regardless of the subject, because there are others who wish to speak, and thanked Mr. McMahon for attending the meeting this evening.

Mr. McMahon questioned Mayor Brindle and asked if innocent people being charged by the Police Chief, Prosecutor and judge are troubling to her.

Mayor Brindle stated that she trusts in the Municipal Court process and asked Mr. McMahon to sit down to allow another resident the opportunity to speak.

Mr. McMahon stated that the process is broken and he has video indicating that. Asked members of the Town Council to help his client.

John Nieroda, 625 South Chestnut Street, stated that he is a crossing guard with the Town and discussed the Town's decision to outsource the crossing guard program. Informed the Town Council that the crossing guards are proud of the work that they do and are unhappy with the Town's decision to hire a company from California to manage the program. Also referenced the Town's decision to outsource for services related to the Parks and Recreation Strategic Plan. Stated that the Town Council was told that the crossing guards overwhelmingly supported the decision to outsource management of the program however only three (3) crossing guards attended the initial meeting that was held to announce the decision. Explained that the crossing guards were proud to protect Westfield children and were proud to be called Westfield's crossing guards, and feels the Town has taken that away.

Mayor Brindle explained that the crossing guards are still Westfield crossing guards and requested further clarification from Mr. Nieroda as to his concerns.

Mr. Nieroda explained that the concern is that the crossing guards no longer work for the Town, but for a company from California.

Mayor Brindle explained that the role of the crossing guards has not changed, and they would still be responsible for keeping children safe, retaining their posts, and would still be seeing their neighbors.

Mr. Nieroda explained that crossing guards would now be subject to the rules of the new management company and referenced questions concerning pay increases that were raised at a meeting that was held today.

The Town Administrator informed the Town Council that the initial orientation for crossing guards with the new management company was held today and that the turnout was very good. Stated that he does not completely agree with Mr. Nieroda's statement, and while he believes that some crossing guards might be unhappy with the change, he does not feel that all of the crossing guards are unhappy. Informed the Town Council that today's orientation involved paperwork filing, equipment handout and some additional items. Discussed the process for salary increases and explained that the exact amount was not known at the time of the meeting because

its purpose was to determine which guards would be continuing in September. Asked Mr. Nieroda if he “signed up” today.

Mr. Nieroda confirmed that he did not sign up.

The Town Administrator discussed the number of guards that would be continuing, based upon those that received equipment. Explained that he is unsure as to the number of guards that are not continuing, and mentioned that some unanswered questions remain, but overall today’s meeting was an orientation.

Mr. Nieroda asked if the Town would consider resuming management of the program if outsourcing is not successful.

The Town Administrator referenced a meeting that was held in the spring, at which it was explained that the contract with the new management company would be for twelve (12) months, and if the program does not achieve the level of success that is envisioned, the Town could resume management of the program. Also explained that the reason the Town is outsourcing management of the program is because police officers have been covering school posts, which has impacted the other services the Police Department needs to perform, and has created a safety issue. Also informed Mr. Nieroda that the reason for outsourcing was discussed during the meeting in the spring and during the orientation today.

Mr. Nieroda feels there was no impact to cost when police officers were covering school posts.

Mayor Brindle explained that while that might be true, public safety was impacted, which has resulted in the need for the Town to outsource the program.

Mr. Nieroda requested clarification as to the number of parking violations that were issued when police officers were covering school posts. Explained that when police officers cover his post while he is on vacation, they allow residents to park in areas where parking is prohibited. Also feels traffic will be a serious issue since crossing guards will not be allowed to direct traffic. Also referred to a discussion he had with Councilman Dardia with respect to safety concerns at a specific crosswalk.

Councilman Dardia discussed improvements that were recently made to the crosswalk Mr. Nieroda referenced, including paving and striping, and stated that there are also plans for a curb cut.

Councilman Dardia also provided clarification as to the Town Council’s approval of the contract for crossing guard management services.

Hearing no further comments, Mayor Brindle closed the public comment portion of the meeting.

### **BILLS AND CLAIMS**

On motion by Councilwoman Neylan, and seconded by Councilman LoGrippe, bills and claims were adopted unanimously:

RESOLVED that the bills and claims in the amount of \$1,920,461.18 per the list submitted to the members of this Council by the Chief Financial Officer, and approved for payment by the Town Administrator be, and the same are hereby, approved and that payroll warrants previously issued by the Chief Financial Officer be ratified.

### **REPORTS OF STANDING COMMITTEES:**

#### **Finance Policy Committee**

The following resolutions, introduced by Councilwoman Neylan, and seconded by Councilwoman Mackey, were unanimously adopted.

#### **Resolution No. 184**

RESOLVED, that the Chief Financial Officer be and hereby is, authorized to draw warrant for unused parking permit fee as follows:

Matt E. Forstenhausler 553 Elm Street Westfield, NJ 07090	Lot 8	#19080014	\$348.00
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Francis Devinney 519 Wyndmoore Ave Glenside, PA 19038	SS RR Stn/ Lot 3	#19030519	\$290.00
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Michael Sgro 7 Sandra Circle Westfield, NJ 07090	SS RR Stn/Lot 3	#19030395	\$290.00
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Robert Saunders 241 North Ave West Westfield, NJ 07090	Lot 8	#19080292	\$250.00
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**Resolution No. 185**  
RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$28.80 to the order of New Jersey Department of Health, P.O. Box 369, Trenton, New Jersey for Dog Licenses issued by the Town Clerk for the month of July 2019.

**Resolution No. 186**  
RESOLVED, that the Town Treasurer be authorized to refund the following fees to the following individuals:

Name	Account	Program	Fee
Erin Hughes 918 Irving Ave Westfield, NJ 07090	Sports Camps T-05-600-073 Trust 218	Get Even Better Basketball Overpaid – Violet (\$5.00) Overpaid – Harrison (\$5.00)	\$10.00
Mark Mutschler 126 Virginia St Westfield, NJ 07090	Pool 195	Swim Team Refund	\$23.00
Allison Hazlett 304 Woods End Road Westfield, NJ 07090	Pool 195	Swim Lessons Refund Chloe Hazlett #3 Little Dippers (\$55.00) Blake Hazlet #3 Little Dippers (\$55.00)	\$110.00
Lauren Burack 336 Edgewood Ave Westfield, NJ 07090	Sports Camps T-05-600-073 Trust 218	Get Better Basketball (Session 3) Addison Burack Refund	\$112.50
Kiersten Mathison 501 Princeton Rd Linden, NJ 07034	Pool 195	Kids Triathlon (11-14 yrs. old) Event Canceled Kiersten Mathison (11-14 yrs. old - \$15) Ethan Mathison (7-8 yrs. old - \$15)	\$30.00
Lauren Smith Cohen 24 Hillcrest Ave Caldwell, NJ 07006	Pool 195	Kids Triathlon Event Canceled Whitney Madison Cohen (4-6 yrs. old - \$15) Zachary Justin Cohen (7-8 yrs. old - \$15)	\$30.00
Caleb DeNigris 664 Hillcrest Ave Westfield, NJ 07090	Pool 195	Kids Triathlon (4-6 yrs. old) Event Canceled Luca DeNigris	\$15.00

Lindsey Mazzara 164 Old Chester Road Essex Fells, NJ 07021	Pool 195	Kids Triathlon (4-6 yrs. old) Event Canceled Bennett Mazzara (\$15) Harrison Mazzara (\$15)	\$30.00
Jeannine Mikhail 715 Dartmoor Westfield, NJ 07090	Pool 195	Kids Triathlon (4-6 yrs. Old) Event Canceled George Mikhail	\$15.00
Meaghan Eschbacher 224 Second Street Fanwood, NJ 07023 \$15)	Pool 195	Kids Triathlon Event Canceled Edison "Teddy" Eschbacher (7-8 yr. old - Russell Eschbacher (9-10 yrs. old - \$15)	\$30.00
Susan Pastir 2080 Brookside Drive Scotch Plains, NJ 07076	Pool 195	Kids Triathlon Event Canceled Taryn Elisabeth Fonder (7-8 yrs. old - \$15) Matthew Fonder (9-10 yrs. old - \$15)	\$30.00
Thomas Greeley 414 Coddling Road Westfield, NJ 07090	Pool 195	Kids Triathlon Event Canceled Fiona Greeley (7-9 yrs. old - \$15) Teagan Greeley (7-8 yrs. old - \$15)	\$30.00
Vivian Suchy 19 Cornwall Drive Westfield, NJ 07090	Pool 195	Kids Triathlon (7-8 yrs. old) Event Canceled Eva Lubenow	\$15.00
Abigail Roxas 552 Cumberland St Apt 1 Westfield, NJ 07090	Pool 195	Kids Triathlon (7-8 yrs. old) Event Canceled Jacob Aidan Roxas	\$15.00
Michael Tagliaferro 156 Lincoln Road Westfield, NJ 07090	Pool 195	Kids Triathlon (7-8 yrs. old) Event Canceled Leo Tagliaferro	\$15.00
Lindsey Materdomini 824 Coolidge Street Westfield, NJ 07090	Tennis/Rec T-05-600-071	Tennis Spring 2019 Refund / 2 classes each Ryan (Pee Wee Th 4pm) Emma (Hot Shot Th 4pm)	\$61.60
Aparna Brunt 749 East Broad Street Westfield, NJ 07090	Tennis/Rec T-05-600-071	Young Rembrandts Program Canceled Julia Brunt	\$108.00

**Resolution No. 187**

LET IT HEREBY BE RESOLVED that the Chief Financial Officer be and hereby is authorized to draw a warrant for refund of dumpster security payment(s) as follows following final inspection and approval by Town Engineer for return of deposit:

17-33 Elm Street, LLC  
P.O. Box 772  
Cranford, NJ 07016

Amount of refund: \$975.00

**Resolution No. 188**

RESOLVED that pursuant to N.J.A.C. 5:23-4.19, that the Chief Financial Officer be authorized and directed to draw a warrant in the sum of \$11,137.00 to the TREASURER,



STATE OF NEW JERSEY for the second quarter Construction Official's State permit fees for 2019.

BE IT FURTHER RESOLVED that said check be forward to the Division of Codes and Standards, Department of Community Affairs, CN 802, Trenton, New Jersey 08625-0802.

**Resolution No. 189**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance, and

WHEREAS, N.J.S.A 40A:5-29 provides for receipt of Donations – Acceptance of Bequests and Gifts for the 300<sup>th</sup> Anniversary Celebration of the Town of Westfield to provide for the operating costs to administer this act, and

WHEREAS, N.J.S.A. 40A:4-39 provides that dedicated revenues anticipated from Donations – Acceptance of Bequests and Gifts for the 300<sup>th</sup> Anniversary Celebration of the Town of Westfield are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Town of Westfield, County of Union, New Jersey, as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures for Donations – Acceptance of Bequests and Gifts for the 300<sup>th</sup> Anniversary Celebration of the Town of Westfield, as authorized under N.J.S.A. 40A:5-9.
2. The Clerk of the Town of Westfield, County of Union is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

**Resolution No. 190**

WHEREAS, the Union County Board of Chosen Freeholders is allocating matching grant dollars for recreational improvements in the municipality, allowing each municipality the opportunity to address their specific need; and

WHEREAS, the Recreation Commission of the Town of Westfield has determined that there is a need for an updated Playground at Sycamore Field in the Town of Westfield; and

WHEREAS, matching funds in the amount of \$30,900.00 will be certified by the Chief Financial Officer to be charged to account #T-05-600-076.

NOW THEREFORE BE IT RESOLVED the proper Town officials be, and hereby are authorized and directed to file an application with the Union County Open Space, Recreation & Historic Preservation Trust Fund for a "Kids Recreation Trust Fund" grant in the amount of \$30,900.00.

BE IT FUTHER RESOLVED that the proper Town officials be, and hereby are, authorized and directed to enter into a contract as prepared by the Union County Law Department.

**Resolution No. 191**

WHEREAS, the Union County Board of Chosen Freeholders is allocating matching grant dollars for recreational improvements in the municipality, allowing each municipality the opportunity to address their specific need; and

WHEREAS, the Recreation Commission of the Town of Westfield has determined that there is a need for Professional Engineering & Survey Services at Tamaques Park in the Town of Westfield; and

WHEREAS, matching funds in the amount of \$22,445.00 will be certified by the Chief Financial Officer to be charged to account #T-05-600-076.

NOW THEREFORE BE IT RESOLVED the proper Town officials be, and hereby are authorized and directed to file an application with the Union County Open Space, Recreation & Historic Preservation Trust Fund for a “Kids Recreation Trust Fund” grant in the amount of \$22,445.00.

BE IT FUTHER RESOLVED that the proper Town officials be, and hereby are, authorized and directed to enter into a contract as prepared by the Union County Law Department.

**Resolution No. 192**

WHEREAS, the Union County Board of Chosen Freeholders is allocating matching grant dollars for tree plantings in Union County municipalities under its Greening Union County initiative; and

WHEREAS, the Town of Westfield desires to participate in the 2019 Greening Union County program; and

WHEREAS, matching funds in the amount of \$7,740.00 will be certified by the Chief Financial Officer to be charged to account no. 8-01-137-255.

NOW THEREFORE BE IT RESOLVED the proper Town officials be, and hereby are authorized and directed to file an application with the Union County Open Space, Recreation & Historic Preservation Trust Fund for a “Greening Union County” grant in the amount of \$7,740.00.

BE IT FUTHER RESOLVED that the proper Town officials be, and hereby are, authorized and directed to enter into a contract as prepared by the Union County Law Department.

**Resolution No. 193**

RESOLVED that the Chief Financial Officer is hereby authorized to issue warrants noted below to the order of the Downtown Westfield Corporation, for Special District Taxes as provided in the year 2019 budget:

August 13, 2019	\$104,086.75
November 1, 2019	\$104,086.75

**Resolution No. 194**

BE IT RESOLVED, that the Treasurer of the Town of Westfield be and he is hereby authorized and directed to draw the necessary 3<sup>rd</sup> & 4<sup>th</sup> quarterly assessment warrants and issue same to the County of Union, via wire transfer, as follows:

	County Purpose Tax	Open Space Tax
2019 3 <sup>rd</sup> Quarter	\$10,399,853.68	\$316,357.44
2019 4 <sup>th</sup> Quarter	\$10,399,853.68	\$316,357.43

**Resolution No. 195**

WHEREAS, a need exists for the purchase of replacement Vehicles as provided for in the 2019 Operating Budget, 165-251, and

WHEREAS, the contract to purchase these is to be awarded to an authorized vendor through various Cooperative Purchasing Agreements, and

WHEREAS, these vehicles will be sufficient to meet the needs of the various Departments, and

WHEREAS, the New Jersey State Public Contract Law 40A:11-3 states that when accepting an item under N.J. State Contract #A86922, and Sourcewell (formerly NJPA), #120716-NAF, a resolution must be adopted by the Governing Body, and

WHEREAS, the Town Treasurer certified to the availability of adequate funds for payment, which will be in the amount of \$132,882.00 charged to 2019 Building Department Operating 165-251 prepared in accordance with N.J.A.C. 5:30 1.10, under Purchase Order numbers as indicated below.

NOW, THEREFORE BE IT RESOLVED that the Town of Westfield will purchase the following vehicles from the indicated vendors:

<u>Vendor</u>	<u>Unit Price</u>	<u>Extended Price</u>	<u>PO#</u>
Hertrich Fleet Services 1427 Bay Road <u>Milford, DE 19963</u>			
Three (3) 2019 Dodge Journey SE	@ \$18,499.00	\$55,497.00	19-03068
National Auto Fleet Group 490 Auto Center Drive <u>Watsonville, CA 95076</u>			
Three (3) 2020 Ford Fusion Hybrid	@ \$25,795.00	\$77,385.00	19-03069

BE IT FURTHER RESOLVED that the proper Town Officials be, and they are hereby authorized to take whatever actions are appropriate in the execution and discharge of this Contract.

**Resolution No. 196**

WHEREAS, a need exists for the replacement of a number of computers and operating software throughout all departments in the Town of Westfield, due in part to Microsoft’s no longer servicing Windows 7 as of January, 2020, and

WHEREAS, a comprehensive inventory of computers and software has identified at least 50 computer stations and one file server that are nearing the end of their useful lives, and

WHEREAS, Dell Marketing, LP was awarded state contract #89967 (T-number M0483 16-r-24098) for Optiplex computers with I5 and I7 processors, and

WHEREAS, a group license is available from Planet Technologies for Microsoft Office software bundles required for each computer, which takes advantage of economies of scale over individual licensing, and

WHEREAS, the Town Treasurer has certified to the availability of adequate funds for payment, which will be charged to each department’s operating account lines as their computers are replaced, and that the certification has been prepared in accordance with N.J.A.C. 5:30 1.10, under Purchase Order 19-03067 for Dell Marketing in an amount not expected to exceed \$75,000 and 19-03134 for Planet Technologies in an amount not expected to exceed \$10,000.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Westfield that a contract for the purchase of Computers in various departments throughout the Town of Westfield be and hereby is awarded to Dell Marketing, LP, P.O. Box 643561, Pittsburgh, PA 15264-3561, at a cost not expected to exceed \$75,000.00, and to Planet Technologies, 20400 Observation Drive, Germantown, MD, 20876, in an amount not expected to exceed \$10,000.00.

BE IT FURTHER RESOLVED, that the proper Town Officials be, and hereby are, authorized to take whatever actions are appropriate in the execution of discharge of this Contract.

The following resolution, introduced by Councilwoman Mackey, and seconded by Councilman Dardia was adopted with Councilwoman Neylan abstaining.

**Resolution No. 197**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2018 has been filed by a Registered Municipal Accountant with the Town Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations", and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Town Council of the Town of Westfield, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

**Public Safety, Transportation and Parking Committee**

The following resolutions, introduced by Councilman Dardia, Chairman of the Public Safety, Transportation and Parking Committee, and seconded by Councilman LoGrippo, were unanimously adopted.

**Resolution No. 198**

WHEREAS, the Town of Westfield is seeking a reputable law enforcement consultant to work with the Westfield Police Department to review, revise and reissue its written directives and to apply for and achieve accreditation status awarded by the New Jersey State Association of Chiefs of Police; and

WHEREAS, the Town of Westfield issued a Request for Proposals (RFP) for the aforementioned service through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq., and

WHEREAS, the Rodgers Group, LLC, PO Box 831, Island Heights, New Jersey 08732, submitted a proposal to perform said services at a fee not to exceed \$39,900; and

WHEREAS, the Town of Westfield has deemed that the background, experience and qualifications of the respondent herein satisfy the criteria set forth in the RFP.

WHEREAS, the Town Treasurer certified to the availability of adequate funds for payment, prepared in accordance with N.J.A.C. 5:30 1.10, which will be in the amount of \$39,900, charged to the Police County Law Enforcement Forfeiture Account T-05-600-021, using Purchase Order #19-03060.

NOW, THEREFORE, BE IT RESOLVED that the Town of Westfield does hereby award a contract to the Rodgers Group, LLC to provide the aforementioned services; and

BE IT FURTHER RESOLVED that the proper Town Officials be, and hereby are, authorized to take whatever actions are appropriate in the execution and discharge of this contract.

**Resolution No. 199**

WHEREAS, a need exists for the purchase and installation of solar powered pedestrian crosswalk systems at certain intersections within the Town of Westfield; and

WHEREAS, the contract to purchase these is to be awarded to an authorized vendor through the Morris County Cooperative Pricing Council, and

WHEREAS, the New Jersey State Public Contract Law 40A:11-3 states that when accepting an item through a cooperative pricing system, a resolution must be adopted by the Governing Body, and

WHEREAS, the Town Treasurer certified to the availability of adequate funds for payment, which will be in the amount of \$93,036, charged to C-07-19-221-6A3, under Purchase Order 19-03061, under MCCPC Contract #37 prepared in accordance with N.J.A.C. 5:30 1.10.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Town Council of the Town of Westfield be and hereby authorize an award of contract to Jen Electric, Inc., 631 Morris Avenue, Springfield, New Jersey, 07081 for the purchase and installation of solar powered pedestrian crosswalk systems at certain intersections within the Town of Westfield at a cost not to exceed \$93,036.

BE IT FURTHER RESOLVED that the proper Town Officials be, and they are hereby authorized to take whatever actions are appropriate in the execution and discharge of this Contract.

**General Ordinance No. 2141:**

Regarding the following ordinance, Councilman Dardia made the following announcement:

I hereby move that an ordinance entitled, "GENERAL ORDINANCE NO. 2141 – AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD," be approved on first reading.

The motion was seconded by Councilman LoGripio.

The ordinance was approved by the following vote of all present upon roll call as follows:

Yeas: Arena  
Dardia  
Neylan  
LoGrippe  
Mackey  
Mayor Brindle

Nays:

Absent: Habgood  
Contract  
Stokes

Heretofore introduced, General Ordinance No. 2141 does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 3rd day of September 2019 at 8:00 o'clock, p.m., or as soon thereafter as the matter can be reached, in the Council Chambers, 425 East Broad Street, Westfield, New Jersey, and that at such time and place or any time and place to which such meeting shall from time to time be adjourned, all persons interested be given the opportunity to be heard concerning said ordinance, and that the Town Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

#### Code Review & Town Property Committee

The following resolutions, introduced by Councilwoman Mackey Chairwoman of the Code Review & Town Property Committee, and seconded by Councilman Dardia, were unanimously adopted.

#### **Resolution No. 200**

WHEREAS, pursuant to Chapter 24 Article VII Section 24-47 of the Town Code the Town Council has authorized the licensing of Sidewalk Cafés, and

WHEREAS, the establishments listed have made application as required by Sec. 24-48 of the Town Code, and

WHEREAS, the establishments listed have met all the terms and conditions as required,

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Westfield hereby grants licenses to the establishments listed to operate sidewalk cafés and the Town Clerk be, and is hereby authorized to issue said licenses.

Old Havana Yamila

13 Elm Street

#### **Resolution No. 201**

WHEREAS, the Town of Westfield is seeking qualified business entities with the appropriate ABC license to provide a Beer and Wine Garden Concession at the AddamsFest event scheduled for October 26, 2019 within the Town of Westfield; and

WHEREAS, the Town of Westfield issued a Request for Proposals (RFP) for the aforementioned service through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq., and

WHEREAS, UT Westfield, LLC, dba Addams Tavern, 115 Elm Street, Westfield, NJ 07090 submitted a proposal to perform said services at the AddamsFest event with a payment to the Town of Westfield totaling thirty (30 %) percent of sales at said event; and

WHEREAS, the Town of Westfield has deemed that the background, experience and qualifications of the respondent herein satisfy the criteria set forth in the RFP.

NOW, THEREFORE, BE IT RESOLVED that the Town of Westfield does hereby award a contract to UT Westfield, LLC for a Beer and Wine Garden Concession at the AddamsFest event; and

BE IT FURTHER RESOLVED that the proper Town Officials be, and hereby are, authorized to take whatever actions are appropriate in the execution and discharge of this contract.

**Resolution No. 202**

WHEREAS, the Town of Westfield has a need to access certain property of the New Jersey Transit located on each side of the Route 28/Broad Street underpass, for the purpose of placing murals on that property, through an artist to be retained by the Town; and

WHEREAS, the License Agreement requires that the Town of Westfield indemnify New Jersey Transit from all risk of loss and/or damage to property or injury to or death of persons arising out of the Town's access to New Jersey Transit's property; and

WHEREAS, the License Agreement further requires the Town of Westfield to provide a Certificate of Insurance that names New Jersey Transit as an additional insured;

NOW THEREFORE, BE IT RESOLVED that the Mayor of the Town of Westfield shall be and hereby is authorized to execute an appropriate licensing agreement with the New Jersey Transit Corporation and the Municipal Clerk shall be and hereby is authorized to attest to the Mayor's signature.

**Resolution No. 203**

WHEREAS, the Town of Westfield has a need to acquire the services of an artist to paint a mural on each side of the Route 28/Broad Street underpass as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Chief Financial has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is no more than one year; and

WHEREAS, Ricardo Roig, 711 Clinton Street, Apt 6B, Hoboken, NJ 07030 has submitted a proposed design for the mural and has indicated that he will produce the mural art for the price of \$25,000; and

WHEREAS, Ricardo Roig has completed and submitted a Business Entity Disclosure Certification which certifies that neither he nor any business entity in which he owns greater than a 10 percent share, has made any reportable contributions to a political or candidate committee in the Town of Westfield in the previous one year, and that the contract will prohibit Roig and any entity in which he owns greater than a 10 percent share, from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds pursuant to N.J.A.C. 5:30-5.4, said funds to be encumbered from Trust Account T-05-600-097 (Donations for Public Art Throughout the Town of Westfield) in the amount of \$17,000 and Budget Account 9-01-192-215 (Town Events) in the amount of \$8,000, under Purchase Order 19-03133.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Town of Westfield authorizes the Mayor to enter into a non-fair and open contract with Ricardo Roig as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

**Resolution No. 204**

WHEREAS, in conjunction with a development project being engaged in by Westfield Crossing, LLC, in the area of South Avenue East and Windsor Avenue, the Town of Westfield may examine whether certain parcels in tax blocks 3007, 4003, and 4005 (the "study area") are part of an area in need of redevelopment under the Local Redevelopment and Housing Law ("LRHL"); and

WHEREAS, the Mayor and Council of the Town of Westfield have determined that the Town will not engage in such an examination without an appropriate agreement in place with Westfield Crossing, LLC, through which Westfield Crossing, LLC, would defend, indemnify and hold harmless the Town of Westfield from any and all liability that may result from the Town's investigation of the study area, and from any other action taken by the Town under the LRHL regarding the study area; and

WHEREAS, Westfield Crossing, LLC, has provided the Town with an appropriate form of defense, indemnification and hold harmless agreement, to the Town's benefit; and

WHEREAS, entering into such an agreement in no ways binds the Town to undertake a preliminary investigation under the LHRL of the study area, or to declare any area or parcels in the study area as part of an area in need of redevelopment, or to adopt a redevelopment plan for such area;

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Town of Westfield authorizes the Mayor to enter into a Defense, Indemnification and Hold Harmless Agreement with Westfield Crossing, LLC,

BE IT FURTHER RESOLVED that the proper Town Officials be and hereby are authorized to take whatever actions are appropriate in the execution and discharge of that Agreement.

**Resolution No. 205**

WHEREAS, 2019 marks the centennial of the founding of The American Legion, as well as the centennial of the founding of Martin Wallberg American Legion Post 3 in Westfield; and

WHEREAS, Post 3 was founded by Westfield veterans of World War I as an organization for active duty military and veterans who served honorably during eligible war eras; and

WHEREAS, Martin Wallberg American Legion Post 3 was named in memory of Westfield's World War I hero, Martin Wallberg, a son of Westfield who paid the supreme sacrifice when he was killed in action in World War I in the Battle of Passchendaele Hill, in Belgium; and

WHEREAS, the Post 3 family consists of Legionnaires, the Sons of the American Legion, and the American Legion Auxilliary, and the activities of Post 3 are based upon the four pillars upon which the American Legion was founded: Veterans Affairs & Rehabilitation; National Security; Americanism; and Children & Youth; and

WHEREAS, Post 3 has been an integral part of the community of Westfield and surrounding towns since its founding, engaging in activities such as visiting and entertaining veterans at their homes; hosting veterans groups at the Post; sending care packages to deployed troops; hosting Breakfast with Santa; selecting and sponsoring high school students to attend Girls State and Boys State; hosting ceremonies to retire American flags that are no longer serviceable; and meeting with U.S. Congressional representatives to promote veteran's concerns; and

WHEREAS, in connection with Post 3's Centennial Celebration, which will occur on Saturday, September 21, 2019, and to which all of the public is invited, the member of Martin Wallberg American Legion Post 3 have requested the installation of a street sign to both commemorate and honor the contributions of Martin Wallberg American Legion Post 3 to the life of the community of Westfield; and

WHEREAS, the Mayor and Town Council believe it to be wholly appropriate to do so, as a small way to honor and thank Post 3 and its members for all of the contributions they have made to the Town of Westfield, and for their service to a grateful country;



NOW THEREFORE, BE IT RESOLVED that the Mayor and Town Council of the Town of Westfield hereby authorize the erection of an appropriate commemorative street sign at Crossway Place, designating that street to also be known as Martin Wallberg Memorial Drive.

**General Ordinance No. 2142:**

Regarding the following ordinance, Councilwoman Mackey made the following announcement:

I hereby move that an ordinance entitled, “AN ORDINANCE AMENDING AND SUPPLEMENTING “THE CODE OF THE TOWN OF WESTFIELD, NEW JERSEY,” IN ORDER TO ESTABLISH A “PUBLIC ARTS COMMISSION” CONCERNING “PUBLIC ART”,” be approved on first reading.

The motion was seconded by Councilman Dardia.

The ordinance was approved by the following vote of all present upon roll call as follows:

Yeas: Arena	Nays:	Absent: Habgood
Dardia		Contract
Neylan		Stokes
LoGripipo		
Mackey		
Mayor Brindle		

Heretofore introduced, General Ordinance No. 2142 does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 3rd day of September 2019 at 8:00 o'clock, p.m., or as soon thereafter as the matter can be reached, in the Council Chambers, 425 East Broad Street, Westfield, New Jersey, and that at such time and place or any time and place to which such meeting shall from time to time be adjourned, all persons interested be given the opportunity to be heard concerning said ordinance, and that the Town Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

**General Ordinance No. 2143:**

Regarding the following ordinance, Councilwoman Mackey made the following announcement:

I hereby move that an ordinance entitled, “AN ORDINANCE AMENDING AND SUPPLEMENTING “THE CODE OF THE TOWN OF WESTFIELD, NEW JERSEY,” IN ORDER TO PREVENT INCONSISTENCIES REGARDING THE DEFINITION OF THE TERM “MURAL”,” be approved on first reading.

The motion was seconded by Councilman Dardia.

The ordinance was approved by the following vote of all present upon roll call as follows:

Yeas: Arena	Nays:	Absent: Habgood
Dardia		Contract
Neylan		Stokes
LoGripipo		
Mackey		
Mayor Brindle		

Heretofore introduced, General Ordinance No. 2143 does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 24th day of September 2019 at 8:00 o'clock, p.m., or as soon thereafter as the matter can be reached, in the Council Chambers, 425 East Broad Street, Westfield, New Jersey, and that at such time and place or any time and place to which such meeting shall from time to time be adjourned, all persons interested be given the opportunity to be heard concerning said ordinance, and that the Town Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

**General Ordinance No. 2144:**

Regarding the following ordinance, Councilwoman Mackey made the following announcement:

I hereby move that an ordinance entitled, “AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO ESTABLISH ELECTRIC VEHICLE INGRASTRUCTURE REGULATIONS”,” be approved on first reading.

The motion was seconded by Councilman LoGrippo.

The ordinance was approved by the following vote of all present upon roll call as follows:

Yeas: Arena	Nays:	Absent: Habgood
Dardia		Contract
Neylan		Stokes
LoGrippo		
Mackey		
Mayor Brindle		

Heretofore introduced, General Ordinance No. 2144 does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 24th day of September 2019 at 8:00 o'clock, p.m., or as soon thereafter as the matter can be reached, in the Council Chambers, 425 East Broad Street, Westfield, New Jersey, and that at such time and place or any time and place to which such meeting shall from time to time be adjourned, all persons interested be given the opportunity to be heard concerning said ordinance, and that the Town Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

**General Ordinance No. 2145:**

Regarding the following ordinance, Councilwoman Mackey made the following announcement:

I hereby move that an ordinance entitled, “AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO PERMIT LARGER FENCING WHEN NECESSARY FOR SAFETY”,” be approved on first reading.

The motion was seconded by Councilman LoGrippo.

The ordinance was approved by the following vote of all present upon roll call as follows:

Yeas: Arena	Nays:	Absent: Habgood
Dardia		Contract
Neylan		Stokes
LoGrippo		
Mackey		
Mayor Brindle		

Heretofore introduced, General Ordinance No. 2145 does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 24th day of September 2019 at 8:00 o'clock, p.m., or as soon thereafter as the matter can be reached, in the Council Chambers, 425 East Broad Street, Westfield, New Jersey, and that at such time and place or any time and place to which such meeting shall from time to time be adjourned, all persons interested be given the opportunity to be heard concerning said ordinance, and that the Town Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

**Public Works Committee**

The following resolutions, introduced by Councilman Arena, and seconded by Councilwoman Mackey, were unanimously adopted.

**Resolution No. 206**

WHEREAS, the Westfield Green Team recommends moving forward with a demonstration rain garden; and

WHEREAS, the Town of Westfield received a proposal from Rutgers University for training, educational programming, and the installation of a demonstration rain garden, at no cost to the Town, through the Rutgers Cooperative Extension Water Resources Program.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Westfield be and hereby accepts Rutgers University's proposal for training, educational programming and the installation of a demonstration rain garden.

**Resolution No. 207**

WHEREAS, a need exists for the purchase of public works related equipment as provided for in Public Works Account C-07-19-221-7A3, and

WHEREAS, the contract to purchase this equipment is to be awarded to an authorized vendor through a Cooperative Purchasing Agreement, and

WHEREAS, this equipment will be sufficient to meet the needs of the Department, and

WHEREAS, the New Jersey State Public Contract Law 40A:11-3 states that when accepting an item under a Cooperative Contract, specifically, Sourcewell (formerly National Joint Powers Alliance) Contract #122017-HVC, a resolution must be adopted by the Governing Body, and

WHEREAS, Hi-Vac Corporation, the manufacturer of the Aquatech Model SJR-1500 High-Pressure Sewer Cleaner, is the vendor named in the Sourcewell cooperative contract, and Timmerman Equipment Company is an authorized dealer for the aforementioned equipment, and

WHEREAS, the Town Treasurer certified to the availability of adequate funds for payment, prepared in accordance with N.J.A.C. 5:30 1.10, which will be in the amount of \$303,267.91 charged to 2019 Public Works Account C-07-19-221-7A3, using Purchase Order #19-02942.

NOW, THEREFORE BE IT RESOLVED that the Town of Westfield will purchase the following equipment from the indicated vendor:

Timmerman Equipment Company  
P.O. Box 71  
Whitehouse, NJ 08888  
AQUATECH Model SJR-1500 High-Pressure Sewer Cleaner  
\$303,267.91

BE IT FURTHER RESOLVED that the proper Town Officials be, and they are hereby authorized to take whatever actions are appropriate in the execution and discharge of this Contract.

**Resolution No. 208**

WHEREAS, a need exists for the purchase of replacement Vehicles as provided for in the 2019 Public Works Account C-07-19-221-7A2, and

WHEREAS, the contract to purchase these is to be awarded to an authorized vendor through the State of New Jersey Procurement Bureau, and

WHEREAS, these vehicles will be sufficient to meet the needs of the Department, and

WHEREAS, the New Jersey State Public Contract Law 40A:11-3 states that when accepting an item under a Cooperative Contract, specifically, National Joint Powers Alliance Contracts #120716-NAF, a resolution must be adopted by the Governing Body, and

WHEREAS, the Town Treasurer certified to the availability of adequate funds for payment, prepared in accordance with N.J.A.C. 5:30 1.10, which will be in the amount of \$220,720.52 charged to 2019 Public Works Account C-07-19-221-7A1 and \$188,975.02 charged to 2019 Public Works Account C-07-19-221-7A2, using Purchase Order #19-02931.

NOW, THEREFORE BE IT RESOLVED that the Town of Westfield will purchase the following vehicles from the indicated vendor:

National Auto Fleet Group  
490 Auto Center Drive  
Watsonville, CA 95076

Two (2) 2020 Chevrolet Mason Dumps	@ \$94,487.51	\$188,975.02
Four (4) 2020 Chevrolet Silverado 2500	@ \$55,180.13	\$220,720.52

BE IT FURTHER RESOLVED that the proper Town Officials be, and they are hereby authorized to take whatever actions are appropriate in the execution and discharge of this Contract.

#### **Resolution No. 209**

WHEREAS, on February 26, 2019, under Resolution 64-2019, a Unit Price Contract was awarded to Northern Nurseries of New Jersey, Inc., for the purchase of various landscape materials, including trees, at unit pricing in an amount not to exceed \$75,000 and

WHEREAS, due to continuous evaluations made in the field and following the award of the original contract, a need exists for the purchase of additional landscape material for use by the Department of Public Works, as provided for in Public Works account 137-254, and

WHEREAS, Certificate of the Town Treasurer, certifying to the availability of adequate funds for this Amended Contract, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds pursuant to this Contract to be charged to Public Works account 137-254, under Purchase Order PO# 19-00729, in an amount not expected to exceed \$135,000, an increase of \$60,000.

NOW THEREFORE BE IT RESOLVED, that the Unit Price Contract originally awarded to Northern Nurseries of New Jersey, Inc., be and is hereby amended in an amount not to exceed \$135,000 (increased \$60,000) and

BE IT FURTHER RESOLVED, that the proper Town Officials be, and they are hereby, authorized to take whatever actions are appropriate in the execution of discharge of this Contract.

#### **Resolution No. 210**

WHEREAS, the Town of Westfield has a need to acquire residential energy audit services to identify potential upgrades for homeowners to increase energy efficiency; and

WHEREAS, the Town of Westfield issued a Request for Proposals (RFP) for the aforementioned service through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, the anticipated term of this contract is from the date of the fully executed

agreement for a period not to exceed 24 months pursuant to N.J.S.A. 40A:11-15; and

WHEREAS, Ciel Power LLC submitted a response to a Request for Proposals indicating it would provide residential energy audits at a cost of \$49.00 per audit to the homeowner, with no cost to the Town of Westfield, and

WHEREAS, the Director of the Department of Community Services recommends authorizing an agreement with Ciel Power LLC to conduct residential energy audits for homeowners

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Westfield as follows:

1. That the Mayor and Town Clerk are hereby authorized and directed to execute an agreement with Ciel Power LLC, 820 Riverside Avenue, Suite 301, Lyndhurst, NJ 07071, as described herein; and
2. That that the proper Town Officials be, and hereby are, authorized to take whatever actions are appropriate in the execution and discharge of this contract.

**Resolution No. 211**

WHEREAS, the Town performed an environmental remediation of Municipal Parking Lot #8, now designated as Lot #1, and,

WHEREAS, as part of this remediation, monitoring wells were installed at the site to sample and evaluate groundwater in the vicinity of the clean-up, and

WHEREAS, Brinkerhoff Environmental Services, Inc., a Licensed Site Remediation Professional (LSRP) as identified by the New Jersey Department of Environmental Protection, was contracted to conduct additional groundwater sampling to evaluate contaminant levels in order to comply with New Jersey Department of Environmental Protection regulations, and

WHEREAS, based on these initial results it is the opinion of Brinkerhoff to perform further groundwater sampling/monitoring in order to develop and prepare a Remedial Action Workplan, in order to comply with the requirements of the New Jersey Department of Environmental Protection, and

WHEREAS, a proposal was received from Brinkerhoff Environmental Services, Inc., to perform the necessary groundwater evaluation and develop the required NJDEP report, and

WHEREAS, the Town Engineer has reviewed the Proposal and recommends that a professional services contract for the aforementioned services as outlined in the Proposal dated June 24, 2019, be awarded to Brinkerhoff Environmental Services, Inc., 133 Jackson Road, Suite D, Medford, NJ 08055, and

WHEREAS, Certificate of the Town Treasurer, certifying to the availability of adequate funds for this contract, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds to be charged to Public Works Operating Budget 137-254, under Purchase Order PO-19-03151.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Westfield that the aforementioned contract for professional engineering services be awarded to Brinkerhoff Environmental Services, Inc., 133 Jackson Road, Suite D, Medford, NJ 08055, in an amount not to exceed \$25,000.00.

Reports of Department Heads

Report of Steve Freedman, Construction Official, showing monies collected for permits in the amount of \$87,588.00 for the month of July 2019 was received, read and ordered filed.

Report of Anthony Tiller, Chief of the Fire Department, showing Fees collected in July 2019 in the amount of \$7,570.00 was received, read and ordered filed.

Report of Tara Rowley, Town Clerk, showing fee collected in the amount of \$759.00 during the month of July 2019 was received, read, and ordered filed.

Report of Carol Salvaggio, Certified Court Administrator, stating that she had turned over to the Chief Financial Officer check in the amount of \$39,505.93 representing fines and costs collected in the Municipal Court and Violations Bureau during the month of June 2019 was received, read and ordered filed.

Report of Carol Salvaggio, Certified Court Administrator, stating that she had turned over to the Chief Financial Officer check in the amount of \$37,405.79 representing fines and costs collected in the Municipal Court and Violations Bureau during the month of July 2019 was received, read and ordered filed.

Report of Christopher Battiloro, Chief of the Police Department, showing fee collecting in the amount of \$3,315.95 during the month of July 2019.

Report of Kris McAloon, Town Engineer, stating he had turned over to the Chief Financial Officer check in the amount of \$39,542.50 representing monies collected during the month of July 2019.

Town Council Comments

Councilman Arena asked if the DWC has accepted any candidate applications for the Director's position.

Mayor Brindle stated that the DWC would be meeting in the next couple of weeks to discuss the selection process.

Councilwoman Mackey announced that the Code Review and Town Property Committee discussed at its meeting tonight the designation of Mindowaskin Park as a historic site under the State of New Jersey and Union County. A recommendation would be referred to the Historic Preservation Commission to explore the potential for this designation.

ADJOURNMENT

A motion to adjourn, made by Councilwoman Mackey and seconded by Councilman Dardia at 9:02 p.m. was unanimously carried.

Respectfully submitted,

Tara Rowley, RMC  
Town Clerk